

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548**

FILE: B-190657

DATE: May 19, 1978

MATTER OF: Arthur L. Hebert and David R. Brindle -
Travel Expenses

DIGEST: Employees of Federal Aviation Administration attending training, claim taxi fares incident to travel between lodgings establishment and food facilities to obtain meals. Since claimants did not contact any lodging establishments within walking distance of food facilities, we concur in the determination by agency that claimed expenses were not necessary expenses and therefore not allowable.

By letter dated November 7, 1977, Mr. Fernand Dupere, Jr., National Representative of the National Aviation, Science and Technological Association has filed a claim in behalf of Messrs. David R. Brindle and Arthur L. Hebert, employees of the Federal Aviation Administration (FAA), for reimbursement for taxi fares in connection with attending a training program in Oklahoma City, Oklahoma.

The record shows that during the period November 30 through December 22, 1976, Messrs. Brindle and Hebert attended training at the Aeronautical Center, in Oklahoma City, Oklahoma. Incident to attending training Messrs. Brindle and Hebert obtained lodgings which were not located along public transportation routes and which were approximately 2 miles from the nearest food establishment. Consequently, during the period December 1 through December 21, 1976, Messrs. Brindle and Hebert each incurred taxi fares in the amount of \$155.50 incident to travel between their lodging and food facilities. The claimants state that they were unable to locate lodgings with nearby food facilities as they had called approximately 10 lodging establishments before they located a vacancy. Thus, Messrs. Brindle and Hebert assert that these taxi fares represent necessary expenses since they were unable to obtain lodgings within reasonable walking distance of food facilities.

The agency has denied the claim for taxi fares on the basis that the expenses represented the personal preferences of the claimants and were not necessary expenses. Apparently the FAA makes available to all employees an updated list of commercial housing available in Oklahoma City. We note that Mr. Dupere states in his letter of November 7, 1977, that the claimants relied on this listing when

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they contacted lodging establishments upon their arrival in Oklahoma City. This listing indicates which lodgings are located within walking distance of food facilities. The record shows that none of the lodgings contacted by Messrs. Brindle and Hebert was among the establishments within walking distance of food facilities. The agency states that the claimants restricted their attempts to obtain lodgings to only those establishments with kitchen facilities, none of which are in close proximity to food facilities. Accordingly, the agency disallowed the claim on the basis that the costs of taxis did not represent a necessary expense.

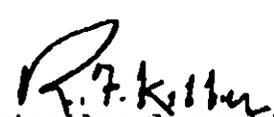
The Government Employee's Training Act, 5 U.S.C. 4101-4118 (1970), provides that the head of an agency may, incident to training, pay or reimburse an employee the necessary cost of travel and per diem in lieu of subsistence in accordance with subchapter I of chapter 57 of title 5, United States Code. The Federal Travel Regulations (FTR) (FPMR 101-7, May 1973) are issued under the authority of the above-cited subchapter of title 5, sections 5701-5709. Concerning local transportation, FTR para. 1-2.3b provides as follows:

"b. To places where meals are obtained.
Where the nature and location of the work at a temporary duty station are such that suitable meals cannot be obtained there, the expense of daily travel required to obtain meals at the nearest available place may be approved as necessary transportation not incidental to subsistence. A statement of the necessity for such daily travel shall accompany the travel voucher."

The approval of such travel expense is discretionary with the agency.

Since the facts show that Messrs. Hebert and Brindle did not contact any listed lodgings establishments located within walking distance of food facilities, we find no basis on which to question the agency's determination that the claims are not allowable as necessary expenses of travel.

In accordance with the above, we concur in the agency's action in disallowing these claims.


Deputy Comptroller General
of the United States